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August 28, 2006

VIA FACSIMILE
EXPEDITED PROCEDURE

To: Examiner Cheyne D. Ly
Group Art Unit No. 2168
U. S. P. T. O.

Facsimile No. 571-273-8300

From: Phillip E. Miller

Facsimile No. 703-761-2375

Re: Filing of Request for Reconsideration
U. S. Patent Application Serial No. 10/059,421
Our Ref: YOR.275

Dear Examiner:

Enclosed please find a Request for Reconsideration filed in response to the Office Action dated June 27, 2006, which should place the Application in condition for Allowance.

Thank you in advance for your kind consideration of this case.

Very truly yours,



Phillip E. Miller

PEM/kks
Enclosure

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Serial No. 10/059,421
Docket No. YOR920010126US2

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AUG 28 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Shibuya, et al.

Serial No.: 10/059,421

Group Art Unit: 2168

Filed: January 31, 2002

Examiner: Ly, Cheyne D.

For: SYSTEM AND METHOD FOR IDENTIFYING GENES

Honorable Commissioner of Patents
Alexandria, VA 22313-1450
Box AF

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action dated June 27, 2006, Applicant states as follows:

REMARKS

Claims 1-30 are all the claims presently pending in the application.

Applicant gratefully acknowledges that claims 12 and 24 would be allowable if rewritten in independent form. However, Applicant respectfully submits that all of the claims are allowable.

Claims 1-8, 10, 11, 13-23, 25 and 27-29 stand rejected under 35 U.S.C. §102(b) as being allegedly anticipated by Rigoutsos et al. "Building Dictionaries of 1D and 3D Motifs by Mining The Unaligned 1D sequences of 17 Archaeal and Bacterial Genomes" (1999) (hereinafter "Rigoutsos '99"). Claims 9 and 26 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Rigoutsos '99 in view of Delcher et al. "Improved Microbial Gene Identification with GLIMMER (1999) (hereinafter "Delcher").